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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,871	09/28/2001	Alan S. Kopin	00398/512002	4950

21559 7590 08/08/2003

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

EXAMINER

ULM, JOHN D

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 08/08/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

The reply filed on 29 May of 2003 may not be fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant is advised that the different species elected in response to the restriction requirement of Paper Number 8 will be examined as a **combination** and, therefore, need to be compatible. Applicant has elected a CCK-A receptor, a $G_{\alpha q}$ G protein, the somatostatin response element (SMS), luciferase, and the chimeric G protein Gq5i. These elements do not appear to be fully compatible because, whereas CCK-A receptors are known to be coupled to both Gq and Gs, the art of record indicates that SMS is only activated by adenylate cyclase, which is activated by Gs but not by the elected G protein Gq, which stimulates PLC. If Applicant can provide a reference or experimental results which show that Gq can activate SMS then this issue will be resolved. Otherwise Applicant may wish to consider changing one or more of the chosen species. Further, the chimeric G_{α} protein Gq5i does not appear to be compatible with either the elected receptor or the elected response element. The art indicates that Gq5i permits Gi-coupled receptors to activate Gq response elements. Therefore, Gq5i does not appear to be compatible with either the elected receptor or the elected response element. Because all of the claims examined will encompass the elected combination, they may be subjected to a rejection for inoperability for those reasons given above unless Applicant can provide evidence or sound reasoning which establishes the compatibility of the elected species. If Applicant wishes to maintain their elected combination of species then they can simply communicate that position and the instant claims will be examined upon their merits. However, if Applicant wishes to reconsider the chosen combination of species they have the opportunity to make any desired changes in responding to this communication. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Ulm whose telephone number is (703) 308-4008. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached at (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242 or (703) 872-9306. Official responses under 37 C.F.R. § 1.116 should be directed to (703) 872-9307.

JOHN ULM
PRIMARY EXAMINER
GROUP 1800